IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION Nos : 8093, 17972 & 21215 of 2004

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WRIT PETITION NO : 8093 of 2004

Between:

1 M/s.Narayanadri Rice Industries, Alli Puram Nellore-2, represented by its Managing Director Y V Narasimharao, S/o.Venkateswarlu.
2 M/s.Vamsee krishna Rice Traders, Muthur Road, Sundlapalem Nellore District,
rep.by its Managing partner, V.Venkateswalu S/o Venkataseshaiah.
3 M/s.Sri Suman Traders, Narukuru Road, Nellore rep.by its Proprietor P.Suman
S/o.P.V.Subbarao.
4 M/s.Kartikeya Rice Industries, Nellore, rep.by its Managing Partner P.Mallikarjun S/o Ramanujam.
5 M/s.Sri Radha Krishna Trade Links, Allipuram Nellore Dist. rep.by it's Proprietor
V.Lakshmaiah, S/o.Krishanaiah,
6 M/s.Sri Anjanee Rice Traders, Settigunta Road, Nellore rep.by its Managing Partner S.Prakash S/o.Ramaiah
7 M/s.Amrutha Rice Traders, Immadugu Road, Kovur rep.by its Proprietor Ch.Chandra Rao,S/o.Sri Suryarao
8 M/s.Sri Venkata Maruthi Raw & Boiled Rice Trading Comp. Vijayagopalapuram,
Nellore, represented by its proprietor B.Goutham reddy, S/o.Mohan Rami Reddy
9 M/s.Nirmala Rice Traders, Kovur, Nellore Dist. rep.by its Proprietor M.Mohan S/o.Ramanaiah
10 M/s.Vijaya Lakshmi, Rice Industries Pedda Cherukuru Nellore District rep. by its
partner, Vinod Kumar Reddy, S/o.Laxminarayana Reddy.
11 M/s.Sri Venkateswara Rice Mill, Kodurupada Nellore Dist. rep.by its Managing

Partner, V. Ravindra Reddy, S/o.Ramanareddy
12 M/s.Sri Hanuman Rice Traders Kovur, Nellore Dist. rep.by its Prop. G. Hanumantha Rao, S/o. Narayanaiah.
13 M/s.Sairam Paddy & Rice Merchants G.N.T.Road, Maddurupadu rep.by its Prop. M. Venkateswarlu, S/o.Krishna Murthy
14 M/s.Mallikarjuna Trading company Kavali Nellore Dist. rep.by its Partner P. Rosaiah S/o.Ramanarao,

..... PETITIONER(S)

AND

1 State of A.P.rep.by its Secretary to Govt.,(Food & Agrl.) Marketing Department, Secretariat, Hyderabad.
2 The Director of Marketing, Govt. of A.P.Hyderabad.
3 The Agricultural Marketing Committee, rep.by its Secretary, Kavali Nellore Dist.
4 The Argl.Marketing Committee, rep.by its Secretary, Kovur Nellore Dist.
5 The Agrucultural Marketing Committee, rep.by its Secretary Allipuram Nellore Dist.
6 The Agricultural Marketing Committee, Nellore rep.by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in notifying the Rice as agricultural produce for the purpose of levy of Market fee under the provisions of the A.P.(Agrl produce and Live stock)Markets Act 1966 is arbitrary and illegal and direct the respondents not to insist the petitioner to pay the Market fee on the Rice milled from out paddy if necessary by granting a declaration that the rice is not an agricultural produce within the meaning of the A.P. Agricultural (Produce & Live Stock) Markets Act 1966.

Counsel for the Petitioners:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents.: G.P. for Agriculture

WRIT PETITION NO : 17972 of 2004

Between:

1 Sri Sai Balaji Traders, Muttanaveedu Pedavegimandal, West Godavari District rep., by its Proprietor B.S.Rambabu, s/o Sri Seshayya, r/o Muttanaveedu.
2 Sri Santana Lakshmi Venugopala Traders, Gajjalavari Cheruvu, Eastern Street,
Eluru rep., by its Proprietor Venkata Subba Rao, s/o Sri Raghavaiah, r/o Eluru, West Godavari District.
3 Srinivasa Rice Mill, Tadikalapudi Kamavarapukota Mandal, West Godavari Dist.,
rep., by its Proprietor Eedupuganti Nageswara Rao, s/o Sri Chinna Veera Venkaiah, r/o Tadikalapudi, West Godavari District.
4 Dhanalakshmi Modern Rice Mill, Veerasettigudem, Kamavarapukota Mandal,

West Godavari District rep., by its Proprietor Gullapudi Surya Prakasa Rao, S/o Sri Narayana Rao, R/o Veerasettigudem.

..... PETITIONER(S)

AND

1 The Government of Andhra Pradesh rep., by its Secretary, Food & Agriculture (Marketing) Dept., Secretariat, Hyderabad.
2 The Government of Andhra Pradesh rep., by its Secretary, Law & Legislative Affairs,
Secretariat, Hyderabad.
3 The Director of Marketing, Govt., of A.P., Hyderabad.
4 The Agricultural Market Committee, Eluru, W.G.District rep., by its Secretary, Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ declaring that the action of the respondents in notifying the rice as agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Live Stock) Markets Act, 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay the market fee on the rice milled from out of paddy, if necessary by granting a declaration that rice is not an agricultural produce within the meaning of the A.P. Agricultural (Produce and Live Stock) Market Act, 1966.

Counsel for the Petitioners:MR.DANTU.SRINIVAS

Counsel for the Respondents: GP FOR AGRICULTURE

And

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WRIT PETITION NO : 21215 of 2004

Between:

1 M/s Veera Raghava Venkateswara Modern Rice Mill, Canal Road, Jinnuru, West Godavari District rep.by its Managing Director Mr.Koya Narayana Murthy
2 M/s Sai Durga Traders, Main Road, Palakol, West Godavari District
rep.by its Managing Director Mr.Koya Srinivasa Rao

..... PETITIONERS

AND

1 The Government of A.P.rep.by its Secretary, Food and Agriculture (Marketing) Dept., Secretariat, Hyderabad
2 The Director of Marketing, Government of A.P., BRKR Buildings, Hyderabad

3 The Agricultural Market Committee, Achanta, West Godavari District, Rep.by its Secretary
4 The Agricultural Market Committee, Penugonda, West Godavari District rep.by its Secretary

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in notifying the Rice as Agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce & Live Stock) Markets Act, 1966, is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay the market fee on the rice milled from out of paddy, if necessary by granting a declaration that Rice is not an agricultural produce within the meaning of the A.P. Agricultural (Produce & Live Stock) Market Act, 1966.

Counsel for the Petitioners:MR.P.BALAJI VARMA

Counsel for the Respondents: GP FOR AGRICULTURE

The Court made the following Common Order:

Learned counsel appearing for the petitioners submits that these three writ petitions are not covered by the batch of writ petitions in Writ Petition No. 18977 of 2002 & batch, dated 21.12.2004 as the Division Bench in that judgment has not considered the judgment of the earlier Division Bench in the case of M/s. GODAVARI TRADING COMPANY, PALAKOL AND ANOTHER vs. AGRICULTURAL MARKET COMMITTEE, PALAKOL & OTHERS ().

I have perused the latter judgment of the Division Bench dated 21.12.2004. In fact, in the first part of the said judgment, their Lordships have considered the judgment rendered in Godavari Trading Company's(supra-1) and following several judgments of the Supreme Court, held that market fee is leviable on both on purchase of paddy by a rice miller from a producer and also on purchase or sale of rice by a miller to a trader or by a trader to a trader because there is service rendered by the Market

Committee at each of the stages.

These three writ petitions are filed questioning the action of the Agricultural Market Committee in notifying the rice as agricultural produce for the purpose of levy of market fee under the provisions of A.P. Agricultural (Produce and Livestock) Market Act,1966 as arbitrary and illegal.

Similar writ petitions with similar prayers have been considered and dismissed by this Court. Therefore, it is not open for this Court to sit over the aforesaid judgment rendered by the Division Bench and consider the contentions of the petitioners once again.

Accordingly, the writ petitions are dismissed in terms of the judgment rendered by the Division Bench of this Court in Writ Petition No. 18977 of 2002 and batch, dated 21.12.2004. No costs.

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13th April, 2005

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To

1 The Secretary to Govt.,State of A.P., (Food & Agrl.) Marketing Department, Secretariat, Hyderabad.
2 The Director of Marketing, Govt. of A.P.Hyderabad.
3 The Secretary,Agricultural Marketing Committee, Kavali Nellore Dist.
4 The Secretary,Agrl.Marketing Committee, Kovur Nellore Dist.
5 The Secretary,Agricultural Marketing Committee, Allipuram Nellore Dist.
6 The Secretary,Agricultural Marketing Committee, Nellore .

7 The Secretary, Law & Legislative Affairs, Government of Andhra Pradesh, Secretariat, Hyderabad.
8 The Secretary, Agricultural Market Committee, Eluru, W.G.District, Eluru.

9 The Secretary, Agricultural Market Committee, Achanta, West Godavari District.

10 The Secretary,Agricultural Market Committee, Penugonda, West Godavari District.
11 Two C.Cs. to the Government Pleader for Agriculture, High Court Buildings, Hyderabad. (OUT)

12 Two C.D. copies